

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Courts
Southern District of Texas
FILED

JUL 9 2015

David J. Bradley, Clerk of Court

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)Apple iPhone 4S (model number A1387), Seagate hard
drive (S/N 2GE6ALLM), PNY thumb drive (model Optima
Attache), HP Compaq 8320 laptop (S/N USH742008L)

Case No.

H15-974 M

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under
penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the
property to be searched and give its location):Apple iPhone 4S (model number A1387), Seagate hard drive (S/N 2GE6ALLM), PNY thumb drive (model Optima
Attache), HP Compaq 8320 laptop (S/N USH742008L)located in the Southern District of Texas, there is now concealed (identify the
person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 18 USC § 2252A	Certain activities relating to material constituting or containing child pornography
Title 18 USC § 2422(b)	Coercion and Enticement
Title 26 USC § 5861(d), 5861(f)	Prohibited Acts involving firearms

The application is based on these facts:

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested
under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

approved for filing
Steve Schump

Sworn to before me and signed in my presence.

Date: July 9, 2015

City and state: Houston, Texas



Applicant's signature

Marisa Schwartz, Special Agent, HSI

Printed name and title



Judge's signature

Frances H. Stacy, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I. Introduction:

Your Affiant, Marisa D. Schwartz, being duly sworn, deposes and says:

A. Introduction and Agent Background:

1. I make this affidavit in support of an application for a search warrant authorizing the search of (hereinafter the "TARGET DEVICES") one (1) Apple iPhone 4S (model number A1387), one (1) Seagate external hard drive (model Free Agent, serial number 2GE6ALLM), one (1) PNY thumb drive (model Optima Attache) and one (1) HP Compaq 8320 laptop computer (serial number USH742008L). As set forth herein, there is probable cause to believe that in that property there exists evidence of a crime, contraband, fruits of a crime, and other items illegally possessed in violation of Title 18, United States Code, Sections 2252A and 2422(b), and Title 26, United States Code, Section 5861(d) and 5861(f), et seq, which are further described in Attachment B.
2. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (HSI), assigned to the Office of the Special Agent in Charge, Houston, Texas. I have been employed by Immigration & Customs Enforcement (ICE), Homeland Security Investigations (HSI), as an HSI agent for approximately seven years. I am currently assigned to the Cyber Investigations Group and as part of my daily duties as an HSI agent assigned to this group, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2252A. I have received training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review examples of child pornography in various forms of media including computer media. I have also participated in the execution of search warrants; a number of which involved child exploitation and/or child pornography offenses.

B. Facts and Circumstances:

3. The statements in this affidavit are based upon the investigation I have conducted and based on my conversations with other law enforcement officers involved in this investigation, or who have engaged in numerous investigations involving child pornography. I have also conferred with Special Agents (SA) assigned to Alcohol, Tobacco, Firearms and Explosives (ATF) assigned to the Arson/Explosives Group who have been engaged in numerous investigations involving explosives. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence of a crime, contraband, fruits of a crime, and other items illegally possessed in violation of Title 18, United States Code, Sections 2252A (Certain activities relating to material constituting or containing child pornography) and 2422(b) (Coercion and Enticement), and Title 26, United States Code, Section 5861(d) and 5861(f) (Prohibited Acts), et seq, are currently located within the TARGET DEVICES: Apple iPhone 4S (serial number A1387), Seagate external hard drive (model Free Agent, serial number 2GE6ALLM), PNY thumb drive (model Optima Attache) and HP Compaq 8320 laptop computer (serial number USH742008L). The evidence of a crime, contraband, fruits of a crime, and other items illegally possessed in violation of the aforementioned statute(s) include, but are not limited to, computers, computer-related equipment, and visual images depicting minors engaged in sexual activity.

C. Statutory Authority:

4. This investigation concerns alleged violations of:
Title 18, United States Code, Section 2252A, which states
(a) Any person who—
(5)(B) knowingly possesses, or knowingly accesses with intent to view, any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an

image of child pornography that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer;
...shall be punished as provided in subsection (b).

Title 18, United States Code, Section 2422(b), which states

(b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 10 years or for life.

Title 26, United States Code, Section 5861(d) and 5861(f), which states

It shall be unlawful for any person—

(d) to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record; or

(f) to make a firearm in violation of the provisions of this chapter.

5. Title 18, United States Code, Section 2256(8) defines "child pornography" as any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--
 - (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

6. Title 18, United States Code, Section 2256(2)(A) defines "sexually explicit conduct" as actual or simulated--

(i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(ii) bestiality;

(iii) masturbation;

(iv) sadistic or masochistic abuse; or

(v) lascivious exhibition of the genitals or pubic area of any person.

D. Background on Computers and Child Pornography:

7. Computers and computer technology have revolutionized the way in which individuals interested in child pornography interact with each other. Child pornography formerly was produced using cameras and film (either still photography or movies). The photographs required darkroom facilities and a significant amount of skill in order to develop and reproduce the images. There were definable costs involved with the production of pornographic images. To distribute these on any scale required significant resources. The photographs themselves were somewhat bulky and required secure storage to prevent their exposure to the public. The distribution of these wares was accomplished through a combination of personal contacts, mailings, and telephone calls. Any reimbursement would follow these same paths.

8. The development of computers has changed this. Computers basically serve four functions in connection with child pornography: production, communication, distribution, and storage.

9. Persons with a sexual interest in children can now transfer photographs from a camera onto a computer-readable format with a device known as a scanner. With the advent of digital cameras, the images can now be downloaded directly onto a computer. Individuals can also reproduce both still and moving images directly from a common video camera. The camera is attached, using a cable, directly to the computer using a device called a video capture board. This device turns the video output into a format that is usable by computer programs. The output of the video camera can be stored, manipulated, transferred, or printed directly from the computer.
10. The captured images are similar to photographs. The images can be printed, edited, lightened, darkened, cropped, and manipulated in a wide variety of ways. As a result of this technology, it is relatively inexpensive and technically easy to produce, store, and distribute child pornography. There is an added benefit to the individual involved in child pornography in that this method of production does not leave as large a trail for law enforcement to follow as other methods.
11. Previously, as a general matter, persons with a sexual interest in children had to rely on personal contact, United States Mail, and telephonic communications in order to sell, trade, or market child pornography. The development of the computer has also changed that. A device known as a modem allows any computer to connect to another computer through the use of telephone, cable, or wireless connection. By connection to a host computer, electronic contact can be made to literally millions of computers around the world. A host computer is one that is attached to a dedicated network and serves many users. These host computers are sometimes commercial online services which allow subscribers to dial a local number and connect to a network, which is in turn connected to its host systems. Peer-to-peer software can be used to trade computer files, including digital images and pictures. The software allows users to download files that others, on the same peer-to-peer network, are sharing. Specific criteria can be used to sort through millions of shared files, somewhat anonymously, to download and/or trade images and/or videos of child

pornography. This communication structure is ideal for the child pornography collector, possessor, or producer.

12. The open and anonymous communication allows the user to locate others of similar inclination and still maintain their anonymity. Once contact is established, it is possible to send messages and graphic images to a trusted person with similar interests. In addition to the use of large service providers, pornographers can use standard Internet connections, such as those provided by businesses, universities, and government agencies to communicate with each other and distribute pornography. These communication links allow contacts around the world in a relatively secure and anonymous format.
13. The computer's ability to store images in digital format makes the computer itself an ideal repository for pornography. A single CD can store thousands of images and pages of text. The size of the electronic storage media (commonly referred to as the hard drive) used in home computers has grown tremendously within the last years. Hard drives with a capacity of more than 500 gigabytes are common. These drives can store thousands of images at very high resolution. Magnetic storage located in host computers adds another dimension to the equation. It is possible to use a video camera to capture an image, to process that image in a computer with a video capture board, and to save that image to a storage medium in another location. Once this is done, there is no readily apparent evidence at the scene of the crime. It is only with careful laboratory examination of electronic storage devices that it might be possible to recreate the evidence trail.
14. The ability to produce child pornography easily, reproduce it inexpensively, and market it anonymously (through electronic communications) has drastically changed the method of distribution of child pornography. This pornography can be electronically mailed to anyone with access to a computer and the means to access the Internet. With the proliferation of commercial services and chat services, the computer has become one, if not the preferred, method of distribution of pornographic materials.
15. A computerized depiction of child pornography is often stored and referred to as a GIF,

short for Graphic Interchange Format, or a JPEG, short for Joint Photographic Experts Group. These image files often contain images or photographs that have been converted into a computer format by the use of a scanner. A single image may be recorded as a single computer file. However, a file may contain two or more images (sometimes more than 100), and these files are often referred to as ZIP files, referring to their compressed archive format. Another type of file is called an MPEG, short for Moving Picture Experts Group. An MPEG is a file containing a movie or video clip.

16. An Internet Protocol (IP) address is a unique number that devices such as computers, routers, internet fax machines, printers, etc. use in order to identify and communicate with each other over a network. Each device must have its own unique IP address. An IP address can be thought of like a street address. Just as a street address identifies a particular building an IP address identifies a particular computer or network device. When a user logs on to his/her Internet Service Provider (ISP), they are assigned an IP address for the purpose of communication over the network. ISPs keep records of who IP addresses are assigned to by date and time. When served with a subpoena, ISPs can provide the computer account associated with a designated IP address at a particular date and time.

E. Characteristics of an Individual with Sexual Interest in Children:

17. My training, experience, and discussions with other investigators who have investigated child pornography and the exploitation of children for many years, have taught me that persons who have a sexual interest in children and/or who produce, trade, distribute, or possess depictions of minors engaged in sexually explicit conduct, generally exhibit the following characteristics:
 - a. These people view children as sexual objects and receive gratification from sexually explicit images of minors.
 - b. These people collect sexually explicit images of minors that they use for their own sexual

gratification and fantasy. The majority of these individuals also collect child erotica, which may consist of images or text that do not rise to the level of child pornography but which nonetheless fuel these individuals' deviant sexual fantasies involving children.

- c. My training, experience, and discussions with other investigators have further taught me that these people tend to keep their images for periods exceeding several years. They keep these sexually explicit images of minors for such long periods of time because the images are treated as prized possessions. They store such images in digital formats such as external hard drives and thumb drives. Persons with a sexual interest in children often keep their collections close to them and protect them from being discovered by others. In addition, they store such images in different places, including their home, their office, their car, and other areas under their control.
- d. These people use sexually explicit images of minors as a means of reliving fantasies or actual sexual encounters. They also use the images as keepsakes and as a means of gaining acceptance, status, trust, and psychological support by exchanging, trading, or selling the images to other people with similar interests either in person or via the Internet. The different Internet-based vehicles used by such individuals to communicate with each other include, but are not limited to, e-mail, e-mail groups, bulletin boards, Internet Relay Chat, newsgroups, instant messaging, and other similar vehicles.
- e. These people go to great lengths to conceal and protect from discovery their collection of sexually explicit images of minors. They may have passwords used to access programs or control encryption written down either in the vicinity of their computer or on their person (for instance, in their wallet or an address book).
- f. These people maintain images of minors with whom they have had sexual contact. If a picture of a minor is taken by such a person depicting the minor in the nude, there is a high probability that the minor was used to produce sexually explicit images to be traded with people with similar interests.
- g. Persons who engage in acts of child exploitation will groom potential victims for sexual

contact by collecting information about the victim, lowering the victim's inhibitions, isolating the victim from adult supervision and possibly attempting to meet with the victim. Another step in this grooming process is to provide minors with sexually explicit images and videos. The videos and images further condition the victim to accept the illicit sexual acts as routine behavior. They may show potential victims sexually explicit images of other minors in order to groom them for future sexual acts. Persons engaged in the recruitment, enticement, or coercion of children often bring images and videos of child pornography with them to meet their victims. These images and videos are often used to demonstrate to the child the types of acts the adult wants the child to undertake.

F. Characteristics of an Individual who Illegally Manufacture Explosives and Improvised Explosive Devices:

18. My discussions with other investigators who have conducted investigations involving explosives for many years, I have learned that persons who illegally manufacture explosives and improvised explosives devices (IEDs) gain information and knowledge from the use of the Internet, often conducting extensive research on explosives, and also make online purchases of explosive components. Persons who engage in these unlawful activities also often record or document the process of manufacture or detonation of explosives by keeping notes, photos, videos, and also often share this with other via the Internet through blog sites, video sharing sites and emails.

F. Probable Cause and Supporting Determinations:

19. On May 28, 2015, Special Agent (SA) Marisa Schwartz participated in an undercover operation on Craigslist.com. SA Schwartz created and posted an advertisement under the casual encounters portion of their website at 7:05 p.m. The advertisement stated "home from skewl and bored!!!! – w4m (sugar land)." This advertisement was posted in the section "w4m" defined as women seeking men with posting ID 5047503954.
20. At 7:27 p.m., SA Schwartz received a response in her undercover gmail e-mail account

from "Mark DUESTERBERG 13a580a6e14939e88853126fec4cfc33@reply.craigslist.org" with an image depicting an exposed penis. The unknown male was wearing blue jeans and the focal point of the image is the exposed penis. The image was titled "image.png". At 7:33 p.m. SA Schwartz replied back and said "nice! how old and where you live?"

21. SA Schwartz knows from her training and experience that Craigslist.com is an online site for personal ads whereby ads can be viewed and an individual can choose to reply to the poster by e-mail form. This will initiate e-mail communication between the person who registered and posted the ad and an individual who replies to the post.

22. The following were e-mail communications between SA Schwartz and "Mark Duesterberg 13a580a6e14939e88853126fec4cfc33@reply.craigslist.org" from 7:40 p.m. to 10:24 p.m. through her undercover (UC) gmail account:

7:40 p.m from Mark DUESTERBERG to UC gmail account - I'm 30 and I live in spring but I'm close to down town right now! What about you?

7:41 p.m. from Mark DUESTERBERG to UC gmail account - You got a pic?

7:51 p.m. from UC gmail account to Mark DUESTERBERG - im 15 in sugar land...i hope thats kewl

Attached to this response was an image file of a female that was age regressed to approximately 13-15 years of age. The image was titled "pic.PNG". This was the image SA Schwartz used to portray herself as a 15 year old female child.

7:56 p.m. from Mark DUESTERBERG to UC gmail account - So what do u want to do? How long will u be alone? You can text me 832-562-1003

8:24 p.m. from Mark DUESTERBERG to UC gmail account – So what's up?

8:48 p.m. from UC gmail account to Mark DUESTERBERG - my mom goes to wrk soon and is gone all night.....what r u doin?

8:52 p.m. from Mark DUESTERBERG UC gmail account – Hopefully coming to see you to save u from boredom!

8:52 p.m. from Mark DUESTERBERG to UC gmail account - You can text me if you want!
832-562-1003

8:55 p.m. from UC gmail account to Mark DUESTERBERG - that would be kewl! wut
would we do? do u have kik

9:05 p.m. from Mark DUESTERBERG to UC gmail account - What ever your in the mood
for, I'd like to make out with you and see where it goes from there! I don't have kik! What
time does your mom leave?

9:14 p.m. from UC gmail account to Mark DUESTERBERG - that sounds good where else
would it go? my mom lvs at 10

9:19 p.m. from Mark DUESTERBERG to UC gmail account - So what time?

9:24 p.m. from UC gmail account to Mark DUESTERBERG - i dont know wether i want to
hang out w you...im talkin to other people too. how would i hav more fun w u?

9:31 p.m. from Mark DUESTERBERG to UC gmail account - Well I love to eat pussy and
will definitely give you the best orgasms you've ever had!

9:36 p.m. from UC gmail account to Mark DUESTERBERG - really?! i dnt have much
experience so a littel nervus but excited

9:38 p.m. from Mark DUESTERBERG to UC gmail account - Well how about I just eat
you out and you can decide from there!

9:41 p.m. from UC gmail account to Mark DUESTERBERG - wut else wuld u wnt to
do....im curious?

9:45 p.m. from Mark DUESTERBERG to UC gmail account - I want to show u what this
big dick feels like while I'm taking u from behind kissing on ur neck!

9:47 p.m. from UC gmail account to Mark DUESTERBERG - oh wow! will u be gentle?

9:49 p.m. from Mark DUESTERBERG to UC gmail account - Of course, I want u to like it!

9:51 p.m. from Mark DUESTERBERG to UC gmail account - What do u want to do?

9:58 p.m. from Mark DUESTERBERG to UC gmail account - So what's up?

10:00 p.m. from UC gmail account to Mark DUESTERBERG - im open for wuteva!! u seem like alot of fun. im excited

10:02 p.m. from Mark DUESTERBERG to UC gmail account – Cool so what time?

10:11 p.m. from UC gmail account to Mark DUESTERBERG - well my mom just left for work...u can come ovr now. i just want to take a quik showr

10:14 p.m. from Mark DUESTERBERG to UC gmail account - What's ur address

10:19 p.m. from UC gmail account to Mark DUESTERBERG - I need to know where I'm going!

10:21 p.m. from UC gmail account to Mark DUESTERBERG - its hard to find...when u get to 59 and airport dr in sugar land and i can lead you ovr

10:24 p.m. from Mark DUESTERBERG to UC gmail account - Sugar land right? Can u text me 832-562-1003

23. At this point, SA Schwartz utilized a UC Google Voice account in order to communicate via text messages with phone number 832-562-1003. The following were text communications between SA Schwartz and Mark DUESTERBERG at phone number 832-562-1003 from 10:29 p.m. to 11:20 p.m.:

10:29 p.m. Outgoing: Hi...its me April. we just emailed

10:30 p.m. Incoming: Ok I'm about to exit airport

10:31 p.m. Outgoing: what r u driving?

10:31 p.m. Outgoing: can u pick me up something to drink? and eat

10:32 p.m. Incoming: Blue truck

10:33 p.m. Incoming: I'm at the shell station where to from here? What would u like?

10:34 p.m. Outgoing: do u hav condums?

10:35 p.m. Outgoing: how about taco bell? nachos

10:37 p.m. Incoming: I will get some and ur food, which way from here?

10:37 p.m. Incoming: Where's Taco Bell?

10:39 p.m. Outgoing: there should be a taco bell across from shell gas station if thats where ur at? 59 and west airport?

10:41 p.m. Incoming: I found it, where to from here?

10:46 p.m. Outgoing: turn left on eldridge, rt on lynwood and rt on oakwood then left on jo ann. i live at 1530 joa ann

10:56 p.m. Outgoing: u close?

10:58 p.m. Incoming: Yeah went to cvs but their closed! At hwy 6 & 59

11:00 p.m. Outgoing: there is a cvs at w airport and eldridge

11:03 p.m. Outgoing: it's ok if it is closed and u want to come over

11:04 p.m. Incoming: So at airport and Eldridge turn left

11:04 p.m. Outgoing: yes

11:05 p.m. Outgoing: you can pull in the driveway

11:07 p.m. Incoming: Ok, is it ok if I take a shower while u eat? I didn't come from home!

11:08 p.m. Outgoing: sure! lol

11:16 p.m. Outgoing: u almst here?

11:18 p.m. Incoming: I'm at oak wood and oak ridge

11:20 p.m. Outgoing: not sure where that is. close to lynnwood?

24. During the course of the conversation, SA Schwartz conducted open source checks on Mark DUESTERBERG and located an individual with the same name, a date of birth of June 11, 1982 and Texas driver's license number 18079307 residing at 3114 Ribbon Creek Way, Spring, TX. SA Schwartz also located a Facebook profile belonging to Mark DUESTERBERG at "<https://www.facebook.com/mark.duesterberg.5>". SA Schwartz observed a picture posted on Mark DUESTERBERG's Facebook timeline on September 5,

2012, of a nude female child approximately 5-7 years of age, sitting on the toilet while in the bathroom and reading a "Hot Rods" magazine. The female child's bare vagina is exposed.

25. At approximately 11:30 p.m., a blue 2003 GMC truck bearing Texas license plate AE59572 arrived at the UC residence located in Sugar Land, TX where Mark DUESTERBERG believed a 15 year old female child he met on Craigslist.com was residing. A team of officer's and investigators with Sugar Land Police Department were awaiting Mark DUESTERBERG's arrival. Mark DUESTERBERG was subsequently arrested for Online Solicitation of a Minor and Attempted Sexual Assault of a Minor and placed in state custody. Mark DUESTERBERG declined to be interviewed and no statements were made pertaining to the state charges.
26. A search incident to arrest of Mark DUESTERBERG's property resulted in the discovery of an Apple iPhone 4S (model number A1387) located in his pants pocket and a Seagate external hard drive (model Free Agent, serial number 2GE6ALLM) and a PNY thumb drive (model Optima Attache) located in a backpack Mark DUESTERBERG carried to the residence. The phone number of the cellphone found on Mark DUESTERBERG was confirmed to be (832) 562-1003.
27. A search of Mark DUESTERBERG's vehicle resulted in the discovery of seven pipe bombs (destructive devices) described as:
 - One (1) pipe bomb 4" long and 3/4" wide, constructed of a galvanized steel pipe nipple and cast iron end caps, end primed with green pyrotechnic fuse
 - One (1) pipe bomb 6 3/4" long and 3/4" wide, constructed of a galvanized steel pipe nipple and cast iron end caps, end primed with green pyrotechnic fuse
 - Three (3) pipe bombs 4" long and 3/4" wide, constructed of PVC pipe nipples and end caps, end primed with red pyrotechnic fuse
 - Two (2) pipe bombs 2 1/2" long and 1/2" wide, constructed of PVC pipe nipples and end caps, end primed with green pyrotechnic fuse

28. On May 29, 2015, at approximately 1:00 am, Sugarland Police Department contacted the Houston Police Department (HPD) Bomb Squad who responded and took custody of the pipe bombs. X-rays indicated that the pipe bombs contained both steel pellets and explosive powder.
29. ATF SA David Bock and HPD Officer Amato interviewed Mark DUESTERBERG at the Sugar Land Police Department. The interview was video recorded. SA Bock advised Mark DUESTERBERG of his constitutional rights, which he acknowledged and waived in writing, utilizing ATF F 3200.4, Advice of Rights and Waiver. Mark DUESTERBERG then stated:
 - He lived at 3114 Ribbon Creek Way, Spring Texas with his wife, Ashley, and their twelve-year-old daughter Paige.
 - He made the pipe bombs in the garage of his residence over the last few days. The pipe bombs were in his truck because he intended to go to Lake Livingston the following weekend and blow them up in the water.
 - The pipe bombs contained pyrodex (triple F grade), which he purchased during the previous month at Gander Mountain store on I-45 in Spring, Texas.
 - He had the cannon fuse he used in the pipe bombs for several years; it burned at steady rate of 30 feet/second.
 - He purchased the steel pipe and end caps from Home Depot and Ace Hardware
 - He obtained the PVC pipes from residences in South Heights where he was working "rehabbing" homes. He worked for a friend named John (refused to provide last name), who had a home remodeling company.
 - He attached the PVC end caps to the PVC pipe nipples with pipe cement and secured the fuses with silicone.
 - He secured the steel end caps to the steel pipe nipples with Loctite, and drilled the end caps using a bit slightly smaller than the cannon fuse and then twisting the fuse to tightly insert it.

- He said he had a homemade cannon at his residence that his father made when he was a child; it had been used to shoot small Old Milwaukee beer cans.
 - At 4:18 a.m., Mark DUESTERBERG refused to give SA Bock consent to search his residence.
30. On May 29, 2015, ATF agents conducted a search at 3114 Ribbon Creek Way, Spring, Texas. Immediately upon arriving at the residence, Special Agent Bock and Group Supervisor Gena Alvarez contacted Ashley Kristine Duesterberg, the wife of Mark DUESTERBERG, who had custody and control of the premises. Agents advised her of Mark DUESTERBERG's arrest and his statements regarding making the pipe bombs in their garage, and requested consent to search the home. At approximately 10:00 a.m., Ashley Duesterberg provided consent in writing utilizing ATF F 3220.11, Consent to Search.
31. Agents focused the search in the residence's garage. In a black Craftsman multi-drawer tool box on the east wall, agents found six steel pipe bombs (destructive devices) of various sizes, all fuse initiated. In the same drawer as the pipe bombs, agents found a steel pipe nipple with one end cap attached, a roll of green pyrotechnic fuse, and a receipt showing the online purchase of pyrotechnic fuse from Pyrocreations.com, dated 1-12-2015, by Mark DUESTERBERG using a VISA card. Also in the same drawer was a roll of thread pipe tape. In other drawers of the Craftsman toolbox, agents found an Estes model rocket motor with the initiator inserted, three 3" PVC pipe nipples, EMT type scissors, and a bag containing 5 PVC pipe nipples and a steel pipe nipple of various lengths.
32. Adjacent and to the left of the Craftsman tool box, on top of a blue plastic tub, agents found a plastic bag containing 21 PVC pipe bombs (destructive devices) of various sizes, all fuse initiated. Adjacent to the right of the Craftsman toolbox was a red tool cabinet with a work area on top, slide-out drawers on the left and a two shelf cabinet on the right. On top of the tool cabinet, agents found a bottle of thread locker liquid; in a slide-out drawer, agents found a pipe wrench, vise-grip wrench and Craftsman channel lock plyers; in the cabinet

agents found three one-pound containers of propellant powder: Winchester brand smokeless powder #296, Hodgdon brand pyrodex (black powder substitute) powder, and American Pioneer Powder brand FFF grade (black powder substitute) powder. On a black tubular shelf also the east wall, agents found containers of PVC primer and cement, and silicone tube in a caulk gun. I retained all of the above items and secured them in the ATF explosive magazine.

33. On this same date, ATF SA Bock asked Ashley Duesterberg about the retained online receipt for pyrotechnic fuse. She stated that her husband, Mark DUESTERBERG, routinely purchases items over the internet utilizing his cellular phone and making payment with a VISA debit card that he keeps with him. She said the debt card is in her name but has a unique number.
34. In the upstairs master bedroom, agents found an HP Compaq 8320 laptop computer (serial number USH742008L), which Ashley Duesterberg stated was used exclusively by Mark DUESTERBERG.
35. On June 3, 2015, SA Schwartz located another Facebook profile belonging to DUESTERBERG under name "Mark Dues" at "<https://www.facebook.com/mark.dues.14>". SA Schwartz noticed the same picture posted to this Facebook page that was previously described of a nude female child approximately 5-7 years of age. This picture was posted on August 5, 2014 with a message attached to the posting stating "That's so weird..I do the same thing!"
36. On June 8, 2015, SA Schwartz provided a summons to Verizon Wireless requesting account information for phone number (832) 562-1003.
37. On June 11, 2015, ATF SA Bock had the National Firearms Registration and Transfer Records queried for item registered to Mark DUESTERBERG. The records check revealed that none of the pipe bombs (destructive devices) were registered to Mark DUESTERBERG.
38. On June 15, 2015, SA Schwartz provided a summons to Craigslist, Inc. requesting account

information for user "Mark DUESTERBERG

13a580a6e14939e88853126fec4cfc33@reply.craigslist.org".

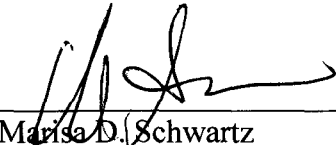
39. On June 17, 2015, SA Schwartz received a response from Verizon Wireless regarding subscriber information for phone number (832) 562-1003. The subscriber to this phone number is Mark DUESTERBERG at address 3114 Ribbon Creek Way, Spring, TX 77389. This phone was activated on June 24, 2013 and disconnected on June 1, 2015.
40. On June 22, 2015, SA Schwartz received a response from Craigslist, Inc. The information provided showed the e-mail address used during the conversations with SA Schwartz' UC gmail e-mail account was "dues71182@yahoo.com."

G. Description of the TARGET DEVICES to Be Searched:

41. Apple iPhone 4S (serial number A1387), Seagate external hard drive (model Free Agent, serial number 2GE6ALLM), PNY thumb drive (model Optima Attache) and HP Compaq 8320 laptop computer (serial number USH742008L). These TARGET DEVICES are being held with Homeland Security Investigations in Harris County in the Southern District of Texas.

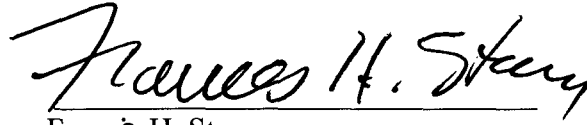
H. Conclusion:

42. Finally, based upon the conduct of individuals who have a sexual interest in children, as set forth in paragraph 17 and based upon the conduct of individuals who illegally manufacture explosives and IED's, as set forth in paragraph 18, there is probable cause to believe that evidence of the offenses described within this affidavit are currently located on the TARGET DEVICES.
43. In consideration of the foregoing, I respectfully request that this court issue a search warrant for the TARGET DEVICES, authorizing the search of the aforementioned premises for the items described in Attachment B and the seizure of such items for the purpose of searching and analyzing them.



Marisa D. Schwartz
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me this 9 day of July, 2015, and I find probable cause.



Francis H. Stacy
United States Magistrate Judge

ATTACHMENT A

Description of devices to be searched:

The TARGET DEVICES to wit: one (1) Apple iPhone 4S (model number A1387), one (1) Seagate external hard drive (model Free Agent, serial number 2GE6ALLM), one (1) PNY thumb drive (model Optima Attache) and one (1) HP Compaq 8320 laptop computer (serial number USH742008L).

ATTACHMENT B

ITEMS TO BE SEARCHED FOR AND SEIZED

1. Images of child pornography and files containing images of child pornography, files containing child pornography and evidence of coercion or enticement of minors in any form wherever it may be stored or found including, but not limited to:
 - a. Any computer, computer system, commercial software and hardware, computer disks, disk drives, monitors, computer printers, modems, hard drive and other computer related operation equipment, digital cameras, web cameras, wireless cameras, covert/spy cameras, or any other device capable of recording video and images, computer photographs, Graphic Interchange formats and/or photographs, undeveloped photographic film, and other visual depictions of such Graphic Interchange formats (including, but not limited to, JPG, GIF, TIF, AVI, and MPEG), and any electronic data storage devices including, but not limited to hardware, software, thumb drives, flash drives, memory sticks, IPod's, MP3 players, Smart Phones, Tablet devices and/or any other mobile devices that can be used to store or transport any type of computer media, and any means in which to power up, access, view or otherwise make use of those forms of electronic media, DVD, Flash memory devices, passwords, data security devices and related documentation;
 - b. Books and magazines containing visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256;
 - c. Originals, copies, and negatives of visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256; and

- d. Motion pictures, films, videos, and other recordings of visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256;
- 2. Information or correspondence pertaining to the possession, receipt or distribution of visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256, that were transmitted or received using computer, some other facility or means of interstate or foreign commerce, common carrier, or the U.S. mail including, but not limited to:
 - a. Envelopes, letters, and other correspondence, electronic mail, chat logs, and electronic messages, establishing possession, access to, or transmission through interstate or foreign commerce, including by United States mail or by computer, of visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256; and
 - b. Books, ledgers, and records bearing on the production, reproduction, receipt, shipment, orders, requests, trades, purchases, or transactions of any kind involving the transmission through interstate or foreign commerce including by United States mail or by computer of any visual depiction of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256; and
 - c. Records evidencing occupancy or ownership of the premises described above, including, but not limited to, utility and telephone bills, mail envelopes, or addressed correspondence; and
 - d. Records or other items which evidence ownership or use of computer equipment found in the above residence, including, but not limited to, sales receipts, bills for Internet access, and handwritten notes;

3. Physical evidence related to the sexual abuse of a child including sexual devices, lubricants, child's clothing/underwear, bondage and discipline paraphernalia, and any other items used to sexually or physically abuse or exploit a child in violation of federal law.
4. Physical evidence related to correspondence with other persons or groups interested in sexual behavior with children, and any and all diaries or other records related to child sexual partners, including phone or address books in which the suspects have recorded names, addresses, and phone numbers of child sexual partners.
5. Any and all information and/or data stored in the form of magnetic or electronic coding on computer media or on media capable of being read by a computer or with the aid of computer-related equipment pertaining to the assembly, manufacture and functioning of explosive devices, including, but not limited to: instructional manuals and literature, diagrams, photographs, and videos of the same. This media includes internal hard drives, external hard drives, small "thumb drive" electronic media storage devices, cellular "smart" phones capable of transmitting, retrieving and storing information, and other media which is capable of storing magnetic coding.
6. Records, invoices and/or receipts showing the purchase of explosive components, including, but not limited to, explosives, propellant powders, precursor chemicals, pyrotechnic fuse, and tools; or literature, address books, phone lists, phone books or other notes containing associates, contacts or sources of supply.